APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,344	09/19/2003	Bin Lu	AEG001	1441

7590   11/21/2007

L. Howard Chen
PRESTON GATES & ELLIS LLP
Suite 1700
55 Second Street
San Francisco, CA 94102-3493

EXAMINER
RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
11/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 September 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21 and 24-234_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21 and 24-34_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed with respect to amended claims 1-21, 24-34 as filed on

9/10/07 have been fully considered but they are not persuasive.

2.   The Applicant presents three substantive arguments contending the Examiner's rejection

claims 1-2, 4, 6-34 (originally presented) are rejected under 35 U.S.C. 102(e) as being

anticipated by Fernandez et al., (hereinafter referred to "Fernandez"), of claim 3 (originally

presented) under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al., (hereinafter

referred to as "Fernandez"), and of claim 5 under 35 U.S.C. 103(a) as being unpatentable over

Fernandez et al., (hereinafter referred to as "Fernandez") in view of Johnson et al., (hereinafter

referred to as "Johnson"), as was set forth in the Office Action of 3/12/07, with the arguments

being presented to assert the patentability of the currently amended claims 1-21, 24-34 reciting

the "…wherein the server is implemented with a real time synchronization protocol for alerting a

monitoring station when the digital video recorder is within a predetermined proximity of the

monitoring station…" limitation in claim 1 and the "…alerting a monitoring station when the

mobile unit is within a predetermined proximity of a monitoring station…" limitation as in claim

25. However, after careful consideration of the arguments presented and further scrutiny of the

Fernandez reference, the Examiner must respectfully disagree and maintain the applicability of

the reference as the basis of the grounds of rejection that follows.

          After summarizing the salient features of the newly added limitation (Amendment of

910/07: page 7, lines 6-13), the Applicant argues that Fernandez fails to address the "…wherein

the server is implemented with a real time synchronization protocol for alerting a monitoring

station when the digital video recorder is within a predetermined proximity of the monitoring

station..." as discussed (Amendment of 9/10/07: page 7, lines 14-16). The Examiner respectfully

disagrees. It is noted that Fernandez discloses real-time operation archiving operations in

conjunction with the mobile units (Fernandez: column 3, lines 10-15). Additionally, it is noted

that synchronization of mobile units according to their GPS receivers occurs proximal to the

servers of monitoring stations (Fernandez: column 12, lines 5-50). As, such the Examiner

maintains that this mobile unit synchronization feature when executed in combination with the

reference's discussion of real-time processing reads on the added limitation.

Secondly, the Applicants argue that Fernandez is directed towards object tracking, and

not to mobile units carrying digital video recorders as in claims (Amendment of 9/10/07: page 7,

lines 17-24; page 8, lines 1-8). The Examiner flatly disagrees. It is noted that the tracked objects

are anything carrying the mobile units *including vehicles* (Fernandez: column 2, lines 15-20).

The Examiner notes that the mobile fleet depending on the application carry audio/visual

recording equipment such as *a digital video recorder* (Fernandez: column 8, lines 10-20) and

record information from cameras (Fernandez: column 7, lines 3-7; column 19, lines 25-41), and

transmits such information to servers at proximal monitoring station (Fernandez: column 10,

lines 60-67; column 11, lines 1-7: "communicated to authorities"). As such, the Examiner

maintains that the limitation is met.

In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As discussed above, the

Examiner notes that since Fernandez as discussed above, meets the "…wherein the server is implemented with a real time synchronization protocol for alerting a monitoring station when the digital video recorder is within a predetermined proximity of the monitoring station…" limitation in claim 1 and the "…alerting a monitoring station when the mobile unit is within a predetermined proximity of a monitoring station…" as in claim 25, as discussed above, the secondary Johnson and Lewellen references do not also have to account for the said features, but meet them in combination with Fernandez.

A detailed rejection follows below.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

4.   Claims 1-2, 4, 6-21 and 24-34 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fernandez et al., (hereinafter referred to "Fernandez").

Fernandez discloses a mobile digital security system (Fernandez: figure 1), comprising: a

digital video recorder (Fernandez: column 8, lines 10-20) disposed in each of at least one mobile

unit (Fernandez: column 2, lines 15-20; column 3, lines 10-15) and operable to generate a digital

video/data signal (Fernandez: column 4, lines 23-35); a wireless interface coupled to the digital

video recorder for encapsulating and transmitting the digital video/data signal (Fernandez:

column 3, lines 15-20); a wireless device coupled to the wireless interface through a wireless

network for receiving the encapsulated and transmitted digital video/data signal (Fernandez:

column 3, lines 32-42); and a server for processing the received digital video/data signal

(Fernandez: column 3, lines 25-32), wherein the server is implemented with a real time

(Fernandez: column 3, lines 10-15: "real-time") synchronization protocol (Fernandez: column

12, lines 27-32) for alerting a monitoring station (Fernandez: column 10, lines 55-67; column 11,

lines 1-6) when the digital video recorder is within a predetermined proximity of the monitoring

station (Fernandez: column 12, lines 40-61), as in claim 1.

Regarding claim 2, Fernandez discloses wherein the wireless network is a TCP/IP based

network (Fernandez: column 3, lines 45-50), as in the claim.

Regarding claim 4, Fernandez discloses wherein the server is operable to communicate

with the digital video recorder (Fernandez: column 3, lines 43-57), as in the claim.

Regarding claim 6, Fernandez discloses wherein the server is operable to provide remote video/data management (Fernandez: column 9, lines 10-25), as in the claim.

Regarding claim 7, Fernandez discloses wherein the server is operable to provide a real time streaming gateway to a plurality of digital video recorders (Fernandez: column 3, lines 10-15), as in the claim.

Regarding claims 8-9, Fernandez discloses wherein the server is operable to provide remote real time backup (Fernandez: column 3, lines 10-15) at a variable frame rate (Fernandez: column 12, lines 20-40), as in the claim.

Regarding claims 10-11 discloses Fernandez discloses wherein the server is operable to provide post recording backup (Fernandez: column 11, lines 50-65), as in the claims.

Regarding claim 12, Fernandez discloses wherein the server is operable to provide a log system for tracking an access to the server (Fernandez: column 9, lines 10-25), as in the claim.

Regarding claim 13, Fernandez discloses wherein the server is operable to provide HTML based configurations (Fernandez: column 3, lines 7-11) with password authentication (Fernandez: column 5, lines 4-7), as in the claim.

Regarding claim 14, Fernandez discloses wherein the server is operable to provide triplex real time backup (Fernandez: column 3, lines 9-13), as in the claim.

Regarding claim 15, Fernandez discloses wherein the server is operable to provide real time monitoring (Fernandez: column 6, lines 15-25), as in the claim.

Regarding claim 16, Fernandez discloses wherein the server is operable to provide playback (Fernandez: column 8, lines 20-32), as in the claim.

Regarding claims 17-18, Fernandez discloses further comprising a remote viewing device coupled to the server (Fernandez: column 8, lines 20-43), as in the claim.\

Regarding claim 19, Fernandez discloses wherein the server comprises an event triggering macro operable to send data to the digital video recorder (Fernandez: column 12, lines 30-40), as in the claim.

Regarding claim 20, Fernandez discloses wherein the server is operable to provide time and event search queue management (Fernandez: column 12, lines 4-20), as in the claim.

Regarding claim 21, Fernandez discloses wherein the server comprises a digital right management module operable to provide playback authentication (Fernandez: column 5, lines 5-10), as in the claim.

Regarding claim 24, Fernandez discloses wherein the server is operable to provide data synchronization in a database (Fernandez: column 9, lines 10-37), as in the claim.

Fernandez discloses a method of providing mobile digital security (Fernandez: figure 4) comprising the steps of: generating digital video/data (Fernandez: column 4, lines 23-35) at a mobile unit (Fernandez: column 2, lines 15-20; column 3, lines 10-15); encapsulating and transmitting the digital video/data; receiving the encapsulated and transmitted digital video/data (Fernandez: column 3, lines 15-20); and processing the received digital video/data (Fernandez: column 3, lines 25-32), and alerting a monitoring station (Fernandez: column 10, lines 55-67; column 11, lines 1-6) when the digital video recorder is within a predetermined proximity of the monitoring station (Fernandez: column 12, lines 40-61) as in claim 25.

Regarding claims 26-27, Fernandez discloses wherein the digital video/data is generated by a digital video recorder (Fernandez: column 8, lines 10-20), as in the claims.

Regarding claim 28, Fernandez discloses wherein the digital video/data is stored in a

digital storage media, (Fernandez: column 8, lines 15-20), as in the claim.

Regarding claim 29, Fernandez discloses wherein the digital video/data is transmitted

over a wireless TCP/IP based network (Fernandez: column 3, lines 45-50), as in the claim.

Regarding claim 30, Fernandez discloses wherein the digital video/data is processed by a

server (Fernandez: column 3, lines 25-35), as in the claim.

Regarding claims 31-32, Fernandez discloses wherein the digital video/data is

synchronized with a server database in real time (Fernandez: column 3, lines 10-15), as in the

claims.

Regarding claim 33, Fernandez discloses further comprising the step of providing

encrypted password authentication before encapsulating and transmitting the digital video/data to

a server (Fernandez: column 5, lines 5-10), as in the claim.

Regarding claim 34, Fernandez discloses further comprising the step of transmitting the

processed digital video/data to a remote client over an IP network (Fernandez: column 3, lines

45-50), as in the claim.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al.,

(hereinafter referred to as "Fernandez") in view of Lewellen (US 2004/0008255 hereinafter

referred to as "Lewellen").

Fernandez discloses a mobile digital security system (Fernandez: figure 1), comprising: a

digital video recorder (Fernandez: column 8, lines 10-20) disposed in each of at least one mobile

unit (Fernandez: column 2, lines 15-20; column 3, lines 10-15) and operable to generate a digital

video/data signal (Fernandez: column 4, lines 23-35); a wireless interface coupled to the digital

video recorder for encapsulating and transmitting the digital video/data signal (Fernandez:

column 3, lines 15-20); a wireless device coupled to the wireless interface through a wireless

network for receiving the encapsulated and transmitted digital video/data signal (Fernandez:

column 3, lines 32-42); and a server for processing the received digital video/data signal

(Fernandez: column 3, lines 25-32), wherein the server is implemented with a real time

(Fernandez: column 3, lines 10-15: "real-time") synchronization protocol (Fernandez: column

12, lines 27-32) for alerting a monitoring station (Fernandez: column 10, lines 55-67; column 11,

lines 1-6) when the digital video recorder is within a predetermined proximity of the monitoring

station (Fernandez: column 12, lines 40-61), wherein the network is a wireless WLAN

(Fernandez: column 2, lines 29-32). However, Fernandez fails to disclose that the wireless

WLAN uses the 802.11b standard as in the claim. Lewellen discloses that for wirelessly

transmitting surveillance systems it is known to the 802.11b standard for wireless transmission of

information because such a transmission standard provides Ethernet connectivity but doesn't

interfere with Bluetooth devices (Lewellen: paragraph [0041], lines 1-17). Accordingly, given

this teaching, it would have been obvious for one of ordinary skill in the art to modify the

WLAN in Fernandez to transmit according to the 802.11b standard to allow for Ethernet

connectivity without interfering Bluetooth based devices in the system. The Fernandez system,

now incorporating the use of the 802.11b wireless standard as shown by Lewellen, has all of the

features of claim 3.

7.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al.,

(hereinafter referred to as "Fernandez") in view of Johnson et al., (hereinafter referred to as

"Johnson").

Fernandez discloses a mobile digital security system (Fernandez: figure 1), comprising: a

digital video recorder (Fernandez: column 8, lines 10-20) disposed in each of at least one mobile

unit (Fernandez: column 2, lines 15-20; column 3, lines 10-15) and operable to generate a digital

video/data signal (Fernandez: column 4, lines 23-35); a wireless interface coupled to the digital

video recorder for encapsulating and transmitting the digital video/data signal (Fernandez:

column 3, lines 15-20); a wireless device coupled to the wireless interface through a wireless

network for receiving the encapsulated and transmitted digital video/data signal (Fernandez:

column 3, lines 32-42); and a server for processing the received digital video/data signal

(Fernandez: column 3, lines 25-32), wherein the server is implemented with a real time

(Fernandez: column 3, lines 10-15: "real-time") synchronization protocol (Fernandez: column

12, lines 27-32) for alerting a monitoring station (Fernandez: column 10, lines 55-67; column 11,

lines 1-6) when the digital video recorder is within a predetermined proximity of the monitoring

station (Fernandez: column 12, lines 40-61), wherein the mobile unit is a vehicle (Fernandez:

column 2, lines 15-20) and the server is disposed with the authorities (Fernandez: column 10,

lines 65-67; column 11, lines 1-6). However, Fernandez fails to disclose the appropriate

authorities are a police station and that the vehicle is a police vehicle as in the claim. Johnson

discloses a surveillance system used by law enforcement for keeping track of police officer

activity while in the field from a police department in order to provide the precinct (Johnson:

column 8, lines 50-55) with status information of the officers during patrols (Johnson: column 9,

lines 50-65). Accordingly, given this teaching, it would have been obvious to one of ordinary

skill in the art to incorporate the use of the Johnson teaching of having the mobile unit being a

police vehicle and having the server being in a police station in order to have corroborate officer

deployment in response to a received 911 alert (Fernandez: column 11, lines 1-5). The Fernandez

apparatus, now incorporated have the mobile unit be a police vehicle and have the server located

in a police station, has all of the features of claim 5.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
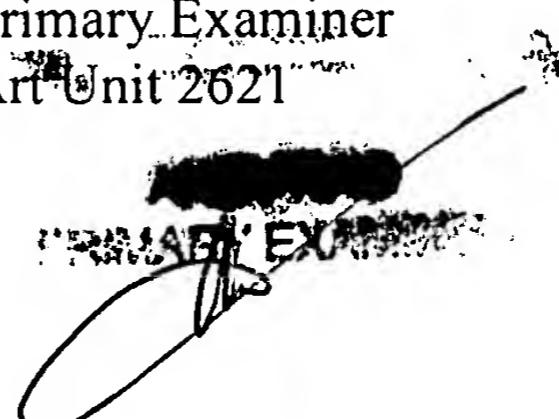
date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
November 18, 2007